**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Cr.Misc. No.17632 of 2006**
**AJIT RANJAN & ORS**
**Versus**
**STATE OF BIHAR & ANR**
**----------**

4. 4.8.2008. Heard Md. Imteyaz Ahmad, the learned counsel for the petitioners, Sri Jharkhandi Upadhyaya, the learned A.P.P. for the State and Sri Shankar Kumar Choudhary, the learned counsel for O.P. No.2.

The three petitioners who are the husband, father-in-law and brother-in-law respectively of complainant, Kumari Archana alias Rinu, of Complaint Case No.166 of 2005 and have been arrayed as accused in the said complaint case seek the quashing of order dated 19.10.2005 passed therein by Sri Sudhir Kumar Sinha, Judicial Magistrate, First Class, Madhubani, whereunder he has taken cognizance under Section 498-A and 406 I.P.C..

WEB COPY NOT OFFICIAL

According to the complainant, impleaded herein as O.P. No.2, her marriage with petitioner no.1 was solemnized on 26.6.2002 whereat gold and silver ornaments worth 25 bhars and 20 bhars respectively apart from costly articles worth Rs.2 lacs was presented but notwithstanding the same on the complainant's entry into the matrimonial home further demands for a colour T.V., refrigerator , washing machine and gold chain were made which, however, was kept in abeyance for the time being on the intervention of the neighbours looking at the financial position of the father of the complainant. It is said that the complainant returned to her naiher in November, 2002 and came back to her marital home in April, 2003 whereafter the accused persons reiterated their demand and asked her

to bring the same from her father which she refused regard being had to the financial constraints of her parents. It is further stated that the petitioner no.3 had evil eyes on the complainant and when she protested he became annoyed and instigated the other two petitioners to reiterate the demand already made and in that situation she was subjected to torture. It is said that in the meanwhile she gave birth to a male child who was very weak since birth and as a result whereof the accused persons started taunting, abusing and assaulting her. It is further said that in the month of February, 2004 the accused persons took all her ornaments on the pretext of keeping it in a locker and her torture continued unabated and when she transmitted the news to her parents her father came and tried to pacify the matter but in vain. It has been alleged that due to the torture she some times contemplated committing suicide but was advised against it by her gotani, Rubi Devi. It is also alleged that on 20.2.2005 all the accused persons assaulted her and asked her to leave the matrimonial home and when she protested and asked them to return all her ornaments they ousted her alongwith her sick child and since then she has been living with her parents under mental agony.

WEB COPY NOT OFFICIAL

It has been submitted on behalf of the petitioners that the court at Madhubani had no jurisdiction to entertain the complaint petition since the demand had been made in the marital home of the complainant in Village-Rewasi, P.S. Riga in the district of Sitamarhi and no part thereof occurred in the naiher of the complainant at Village-Ramnipatti, P.S. Babubarhi in the district of Madhubani.

There appears sufficient force in the arguments advanced by the learned counsel for the petitioners in view of Section 177 Cr.P.C. which provides for the ordinary place of inquiry and/or trial.

Admittedly, from a perusal of the complaint petition, it is apparent that whatever demands were made were made at the matrimonial home thereby giving rise to the cause of action within he territorial jurisdiction of the court at Sitamarhi and since no part of the cause of action took place within the territorial jurisdiction of Madhubani, the taking of cognizance by the Judicial Magistrate at Madhubani is beyond jurisdiction and is required to be quashed.

Accordingly, the application succeeds.

**(Abhijit Sinha,J)**

**P.S.**

WEB COPY NOT OFFICIAL